

Amendment No. 1 to HB0814

Coleman  
Signature of Sponsor

**AMEND Senate Bill No. 1244**

**House Bill No. 814\***

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-109, is amended in the first sentence of subsection (a) by deleting the language "(HIV)" and by substituting instead the language "(HIV), to hepatitis B virus (HBV), or to hepatitis C virus (HCV)".

SECTION 2. Tennessee Code Annotated, Section 39-13-109, is further amended in the first sentence of subsection (a) by deleting the language "HIV" and by substituting instead the language "HIV, with hepatitis B virus (HBV), or with hepatitis C virus (HCV)".

SECTION 3. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (a)(2) by deleting the language "HIV transmission" and by substituting instead the language "HIV, or hepatitis B virus (HBV) or hepatitis C virus (HCV) transmission".

SECTION 4. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (b)(2) by deleting the language "HIV transmission" and by substituting instead the language "HIV, hepatitis B virus (HBV), or hepatitis C virus (HCV) transmission".

SECTION 5. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (c) as subdivision (c)(1), and by adding the following new subdivisions thereto:

(2) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the person exposed to hepatitis B virus (HBV) knew that the infected person was infected with hepatitis B virus (HBV), knew that the action could result in infection with hepatitis B virus (HBV), and gave advance consent to the action with that knowledge.

(3) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the person exposed to hepatitis C virus (HCV) knew that the infected person was infected with hepatitis C virus (HCV), knew that the action could result in infection with hepatitis C virus (HCV), and gave advance consent to the action with that knowledge.

SECTION 6. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (d) as subdivision (d)(1), and by adding the following new subdivisions thereto:

(2) Nothing in this section shall be construed to require the actual transmission of hepatitis B virus (HBV) in order for a person to have committed the offense of criminal exposure to hepatitis B virus (HBV).

(3) Nothing in this section shall be construed to require the actual transmission of hepatitis C virus (HCV) in order for a person to have committed the offense of criminal exposure to hepatitis C virus (HCV).

SECTION 7. Tennessee Code Annotated, Section 39-13-109, is amended in subsection (e) by deleting the language "HIV" and by substituting instead the language "HIV, to hepatitis B virus (HBV), or to hepatitis C virus (HCV)".

SECTION 8. This act shall take effect July 1, 2009, the public welfare requiring it.